

DMP:AAS/MAA/ANR  
F. #2021R00667

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA

- against -

GUANGYANG AN,  
also known as “Angela An,”

Defendant.

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THE UNITED STATES ATTORNEY CHARGES:

S U P E R S E D I N G  
I N F O R M A T I O N

Cr. No. 22-460 (S-2) (KAM)  
(T. 18, U.S.C., §§ 371 and 3551 et seq.)

I N T R O D U C T I O N

At all times relevant to this Superseding Information, unless otherwise stated:

T H E F R A U D U L E N T S C H E M E

1. The defendant GUANGYANG AN, also known as “Angela An,” was a U.S. citizen who was born in the People’s Republic of China (“PRC”) and resided in Roslyn, New York since approximately 2003. She was the principal of an investment group (“Investment Group-1”), which owned a hotel in Flushing, New York (the “Hotel”), entities the identities of which are known to the U.S. Attorney.

2. In or about May 2020, Investment Group-1 sponsored two H1-B visa applications with the United States Citizenship and Immigration Services (“USCIS”) for two purported employees from the PRC—“Coconspirator-1” and “Coconspirator-2,” persons the identities of which are known to the U.S. Attorney—to work for Investment Group-1. H1-B visas enabled a U.S. employer to hire nonimmigrant aliens as workers in specialty occupations

that required the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent. The H1-B visa applications for Coconspirator-1 and Coconspirator-2 were signed and submitted by the defendant GUANGYANG AN. USCIS approved both applications in or about October 2020.

3. Coconspirator-1 and Coconspirator-2 never worked in the United States for Investment Group-1, but rather used their H1-B visa status to remain illegally in the United States. Coconspirator-1 and Coconspirator-2 each provided payments of tens of thousands of dollars to U.S. bank accounts of the defendant GUANGYANG AN. In return, AN prepared and caused to be prepared fraudulent paystubs and provided payments to Coconspirator-1 and Coconspirator-2 corresponding to the amounts reflected on the fraudulent paystubs. Additionally, AN, Coconspirator-1 and Coconspirator-2 coordinated false narratives, including the nature of the work allegedly performed, to present to USCIS officers who might verify Coconspirator-1's and Coconspirator-2's purported employment with Investment Group-1. In or about March 2022, AN prepared a false form W-2 for Coconspirator-1 to file with his/her federal tax returns.

#### VISA FRAUD CONSPIRACY

4. In or about and between May 2020 and March 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant GUANGYANG AN, together with others, did knowingly and willfully conspire to defraud the United States by impeding, impairing and obstructing the lawful governmental functions of the USCIS to administer, regulate and enforce the regulations and laws relating to the implementation of the H1-B visa program.

5. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendant GUANGYANG AN, together with others, did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about May 28, 2020, the defendant GUANGYANG AN signed an H1-B visa application for Coconspirator-1 for the intended dates of employment by Investment Group-1 from October 1, 2020 to September 30, 2023 in the capacity of “Public Relations Specialist.”

(b) On or about May 28, 2020, the defendant GUANGYANG AN signed an H1-B visa application for Coconspirator-2 for the intended dates of employment by Investment Group-1 from October 1, 2020 to September 30, 2023 in the capacity of “Computer Systems Analyst.”

(c) On or about January 20, 2021, the defendant GUANGYANG AN sent Coconspirator-2 pictures of fake pay stubs for December 2020 to March 2021, in the amounts of \$5,097.36 and \$5,084.01, respectively.

(d) On or about February 3, 2021, the defendant GUANGYANG AN sent a picture to Coconspirator-2 of a check for \$5,084.01 payable to Coconspirator-2 dated February 1, 2021 from an account for Investment Group-1.

(e) On or about February 8, 2021, Coconspirator-1 asked the defendant GUANGYANG AN to provide some information about the projects that AN’s company was currently working on, as Coconspirator-1 might need to talk about the projects during interviews.

(f) On or about February 12, 2021, the defendant GUANGYANG AN indicated to Coconspirator-2 that she had received “23980,” that is \$23,980, which corresponded to approximately four months of purported pay for Coconspirator-2.

(g) On or about February 15, 2021, Coconspirator-1 asked if the defendant GUANGYANG AN had received the funds and sent a picture of a transfer of \$9,153.25 to AN’s account at a particular bank.

(h) On or about February 17, 2021, Coconspirator-1 asked the defendant GUANGYANG AN if a “W2” would be issued by Investment Group-1 that year and if Coconspirator-1 needed to “pick it up” at the Hotel.

(i) On or about February 25, 2021, Coconspirator-1 asked the defendant GUANGYANG AN to find out from the accountant how much money Coconspirator-1 should transfer to AN for the month of February and whether it should be “9000+” as before. AN indicated that the amount should be the purported wages for January.

(j) On or about March 2, 2021, Coconspirator-1 falsely stated to the defendant GUANGYANG AN that Coconspirator-1 had served as an “intern” at Investment Group-1 from 2019 to October 2020 before becoming a full-time employee in October 2020. AN agreed.

(k) On or about March 24, 2021, the defendant GUANGYANG AN sent a picture to Coconspirator-1 of a check from Investment Group-1 account in the amount of \$7,824.40, payable to Coconspirator-1 and with a memorandum of “Feb 2021 payroll.”

(l) On or about March 24, 2021, the defendant GUANGYANG AN sent pictures of the front and back of a check dated March 24, 2021 to Coconspirator-2 in the amount of \$5,084.01, purportedly signed by Coconspirator-2 on the back of the check.

(m) On or about March 24, 2021, the defendant GUANGYANG AN instructed Coconspirator-2 to email his/her purported work duties written in his/her resume.

(n) On or about April 8, 2021, the defendant GUANGYANG AN sent to Coconspirator-1 a picture of a check from an Investment Group-1 account in the amount of \$7,824.40, payable to Coconspirator-1 and with a memorandum of "Mar 2021 payroll."

(o) On or about April 11, 2021, Coconspirator-1 sent a picture of a transfer of \$9,150.25 to "ANGELA BOA," referring to an alias for the defendant GUANGYANG AN.

(p) On or about April 27, 2021, Coconspirator-1 reported transferring March's wages to the account of the defendant GUANGYANG AN in increments of "1325.25" and "7825."

(q) On or about May 5, 2021, the defendant GUANGYANG AN apologized for the delay and then sent Coconspirator-1 a picture of a paystub in the amount of \$7,824.35. On or about May 17, 2021 the defendant GUANGYANG AN sent a picture of a check from Investment Group-1 to Coconspirator-1 in the amount of \$7,824.40, with the memorandum "April 2021 payroll."

(r) On or about June 1, 2021, Coconspirator-1 reported that he/she would transfer the money to the defendant GUANGYANG AN once the funds cleared.

(s) On or about June 21, 2021, the defendant GUANGYANG AN asked if Coconspirator-1 had deposited the check, which information she required for next month's "payroll tax filing," as the "payroll tax" needed to match the checks.

(t) On or about June 24, 2021, Coconspirator-1 reported that the funds had cleared and reported transferring the “amount” shown in a picture of a wire transfer in the amount of \$7,824.40.

(u) On or about March 18, 2022, Coconspirator-2 asked the defendant GUANGYANG AN to have AN’s accountant prepare tax forms for the two months he/she was purportedly with AN’s company the prior year.

(v) On or about March 29, 2022, Coconspirator-1 reported receiving the “W2” from the defendant GUANGYANG AN. AN stated she hoped that she had not sent it too late for Coconspirator-1.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

*By Carolyn Pokorny, Assistant US Attorney*  
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BREON PEACE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK